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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Michael Foley,

Plaintiff,

v.

Georgina Stuart, et al.

Defendants.

Case No. 2:20-cv-01874-APG-BNW

ORDER

Before the Court is plaintiff Michael Foley's application to proceed in forma pauperis (ECF No. 1). Foley's application is incomplete and the Court will therefore deny it without prejudice. Foley may file a new application by December 4, 2020.

A plaintiff can commence an action without paying the filing fees if she submits an affidavit stating that she lacks sufficient funds. *Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015). An application is sufficient if it alleges that the affiant cannot pay the court costs and still afford the necessities of life. *Id.* (citing *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948)). If an application is incomplete, then the Court may lack sufficient information to make this determination and the application can be denied. *Patton v. England*, No. CIV S-07-0286 FCD GGH PS, 2007 WL 708885, at *1 (E.D. Cal. Mar. 6, 2007).

Foley's application is defective in three respects. First, question 2 of the application asks Foley to list his gross pay or wages, take-home pay or wages, and specify the pay period for those wages. *Id.* at 1. Although Foley listed his gross and take-home pay, he failed to specify a pay period (e.g., weekly, bi-weekly, monthly). Second, question 7 asks Foley to list all persons dependent on him for support. *Id.* at 2. Foley left the answer to that question blank. Third, and finally, question 8 asks Foley to list any debts and financial obligations. *Id.* Foley left this answer blank, too.

Given these defects, Foley’s application is incomplete and the Court lacks sufficient information to determine whether Foley can pay court costs and still afford the necessities of life.

IT IS THEREFORE ORDERED that plaintiff Michael Foley's application to proceed in forma pauperis (ECF No. 1) is DENIED without prejudice. By December 4, 2020, plaintiff must either (1) file a new application to proceed in forma pauperis or (2) pay the requisite \$400 fee (\$350 filing fee + \$50 administrative fee) for filing a civil action.

IT IS FURTHER ORDERED that the Clerk of Court is directed to send plaintiff a copy of form AO 240 (IFP Application to Proceed Without Prepayment of Fees).

IT IS FURTHER ORDERED that failure to timely comply with this order may result in a recommendation to the district judge that this case be dismissed.

DATED: November 6, 2020.

Denkwegen

BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE